

**Local Agency Formation Commission of
Modoc County**

Minutes of December 12, 2006

1. **Call to order:** 4:59 pm Commissioners Gately, Neer, Dunn and Macsay present
2. **Approval of Agenda:** It was **moved (Macsay) and seconded (Dunn)** to approve - all in favor
3. **Correspondence:** All included in packet:
 - Amy Beauchane - regarding payment
 - John Kenny - needs records from Ms. Beauchane
 - Siskiyou Auditor - \$8,500.00 - money is coming to our auditor immediately and at the end of January , the interest
 - Assessor - Certificates of Completion had various errors that need to be corrected: spelling, boundary descriptions missing, maps missing, etc.
4. **Approval of Minutes:** from Aug 14, 2006 meeting - revisions have been made - It was moved (Macsay) and seconded (Dunn) to approve - all in favor from Oct 26, 2006 meeting - It was moved (Macsay) and seconded (Gately) to approve - all in favor
5. **Public comment:** no citizens present to comment
6. **Public Hearing Open:**
 - John Benoit* looked for the Conflict of Interest Code for LAFCO in the past and apparently there was never one established for LAFCO.
 - LAFCO is required to have a code that needs to be re-examined every even-numbered year.
 - In packet: he prepared a standard Conflict of Interest code to be submitted to the Board of Supervisors for review and approval
 - Each member needs to submit a conflict of interest disclosure form (form 700).
 - Public Hearing Closed:** no comment from public
 - It was **moved (Dunn) and seconded (Macsay)** that the Conflict of Interest Code for LAFCO be approved - all in favor
 - John is going to transmit a letter to the Board to review and approve the Conflict of Interest Code
7. **Request to the Modoc County Board of Supervisors to provide Insurance Coverage to LAFCO:** the insurance has already been approved
 - It was **moved (Dunn) and seconded (Macsay)** that a letter be sent to the Board requesting insurance coverage for LAFCO - all in favor (after the fact since the Board of Supervisors already approved covering LAFCO and LAFCO is to pay the pro-rated cost)
8. **Review and Authorize payment of claims:**
 - John* - October payment has already been made, only going to bill thru December
 - In packet: summary sheet of budget; \$17,935 after bills; \$44,000 needs to be paid by the end of the year; an audit is not required by the State Controller's Office for LAFCO
 - Gately* - Is there something we need to do to get ready for when the Controller does impose requirements?
 - John* - we are doing so now - setting up internal controls and by-laws
 - It was **moved (Dunn) and seconded (Macsay)** to approve payment of Claims - all in favor
 - Neer* - is she authorized to sign? *John* - yes
9. **Adopt application form including an Agreement to Pay and Indemnification form for LAFCO projects:**
 - John* - created a single application form for all LAFCO actions
 - fee schedule is attached but is not part of recommendation for approval - it has already been adopted
 - will be revisited at the next meeting.
 - sample resolutions and petitions are included
 - policy - to apply to LAFCO - should meet with John and go over the application since all information is included before submitting
 - Neer*- fees are not being approved? *John* - no, they are already in place
 - Dunn* - we would like to move toward more current fees
 - John* - agreed; for example Attorney fees are 200\$/hr and does not reflect Mr. Kenny's charge out rates.
 - fees should be cost + 10 or 15% administrative fee
 - John is being charged with bringing a new fee deposit schedule before the Commission

It was **moved (Macsay) and seconded (Dunn)** to repeal all previous application forms used by Modoc LAFCO prior to today (Dec 12, 2006) - all in favor

It was **moved (Macsay) and seconded (Dunn)** to adopt the new Application form including an Agreement to Pay and Indemnification form as presented by John - all in favor

10. **Conduct workshop regarding the Commission Bylaws:** discussion only, no action taken

John - went through packet, briefly touching on each section and fielding questions

- pointed out that policies and procedures, along with new fees, need to be dealt with next; there are things in the policies and procedures that deal with issues already covered by the law

- *discussion concerning Alternate Members:* should they be required to attend all meetings? Consensus is to change wording form expected to encouraged to attend; also add that if they are unable to attend, they still need to stay current on issues before the Commission; John should ensure that they are receiving the same information packets that the Members are receiving (*John* - needs to be given names of Alternate members and contact info); they should be contacted if members aren't able to attend

- *discussion concerning removal of members:* provision of 3 consecutive meetings missed, how does that apply to alternates if they aren't required to attend every meeting? It's stated that if they are derelict in duties, . . . all that still applies, when they are needed, they should be there; add any to wording for removal so that if any of the listed problems are encountered, it is grounds for removal

- *discussion concerning compensation for Commissioners:* should there be a stipend for Commissioners? no, it was decided there wouldn't be earlier; however, leave the provision so that it is available if needed

- review the rest of the Bylaws and set up a public hearing for the next meeting so that the new bylaws can be adopted

- *John* - while reviewing, please notice the finance and expenditure policies - he has set it up so that the County's policies would be adopted by reference; he will also set up a public hearing for the new fee schedule so that they can also be reviewed and adopted at the next meeting (need to prepare a justification report)

- no action today on Bylaws

11. **Executive Officer's Monthly Report:** already covered most issues earlier

- website is now up to date

- LAFCO policies - address at next meeting

12. **Commissioner Reports** - none

Public Comment - none

Session Closed

Adjourned at 6:09 pm

When to schedule next meeting? Decided on Tuesday, February 27th at 5:00; no set schedule for meetings following (possibly fourth Tuesday of each month?)

Approved: _____
Marie Neer, Chair

Attest: _____
John Benoit, Interim Executive Officer